

Regulation 61-20

Communicable Diseases

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SECTION 1. Definitions.

A. When capitalized, and for the purposes of this regulation:

(1) “Authorized Health Officer” means an individual designated by the Director of the South Carolina Department of Health and Environmental Control or his or her designee as an individual who may act as a health officer pursuant to these regulations.

(2) “Case” means an instance of a particular disease, injury, or other Condition.

(3) “Carrier” means a person or animal that harbors a specific Infectious Agent without discernible clinical disease or manifests symptoms and serves as a potential source of spread of the infection to others.

(4) “CDC” means the United States Centers for Disease Control and Prevention.

(5) “Communicable Disease” means an Infectious Disease that can be transmitted from one source to another.

(6) “Condition” means a disease, illness or injury; an illness or abnormality in the body that interferes with a person’s usual activities or feeling of wellbeing; any illness or health condition that may be caused by chemical terrorism, bioterrorism, radiological terrorism, epidemic or pandemic disease, or novel and highly infectious agents and might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability.

(7) “Contact” means an individual known to have been exposed to an infected person or animal or a contaminated environment, if the exposure is sufficient to acquire that particular disease.

(8) “Contagious Disease” means a Communicable Disease capable of spreading easily from one person to another by contact or close proximity. A Contagious Disease can be transmitted from person to person or from animal to person through many means including, but not limited to, direct contact, inhalation of airborne droplets, exchange of bodily fluids, animal or insect bites, and needle-sticks.

(9) “Department” means the South Carolina Department of Health and Environmental Control.

(10) “Director” means the Director of the South Carolina Department of Health and Environmental Control.

(11) “Event” means an occurrence of public health importance due to the possibility of substantial risk of human morbidity or mortality.

(12) “Excludable Disease” means a Communicable Disease for which an individual infected with or exposed to the disease has to be removed from an environment to prevent further transmission.

(13) “Infectious Agent” means an organism, such as a virus or bacteria, capable of producing infection or Infectious Disease.

(14) “Infectious Disease” means a disease caused by an Infectious Agent potentially transferable to individuals. An Infectious Disease may or may not be communicable. An example of a non-communicable, but Infectious Disease is a disease caused by toxins from food poisoning or infection caused by toxins in the environment, such as tetanus.

(15) “Isolation” means the physical separation of persons or animals infected with a Communicable or Infectious Disease from others in such places and under such conditions so as to prevent or limit the direct or indirect transmission of the Infectious Agent.

(16) “Outbreak” means the occurrence of more Cases than normally expected within a specific place or group of people over a given period of time.

(17) “Post-exposure Prophylaxis” means a preventive medical treatment provided to a Contact after the exposure to a disease-causing pathogen in order to prevent the development of the disease.

(18) “Public Health Notice” means a note, card, poster, placard or the like issued by an authorized public health authority conveying information or a warning regarding a known or potential risk to the public health.

(19) “Quarantine” means the restriction of activities and movements of well persons or animals who have been exposed to a Communicable Disease for the purpose of preventing disease transmission during the incubation period should infection occur. Quarantine differs from Isolation in that Isolation applies to persons who are known to be infected with a Communicable Disease. Quarantine applies to those who have been exposed to a Communicable Disease, but who are not yet infected.

(20) “Reportable Condition” means any of the diseases, Conditions or Events identified and published in the Department’s Official List of Reportable Conditions of which known or suspected Cases are required to be reported to the Department.

SECTION 2. Disease Reporting.

A. The Department shall publish in January of each year, and may amend as often during each year as needed, an Official List of Reportable Conditions for which known or suspected Cases are to be reported to the Department. All physicians and healthcare practitioners, all healthcare institutions, facilities and providers, all coroners and medical examiners, all designated reporting coordinators, and all laboratories in or out of South Carolina, shall report to the Department all known or suspected Cases of Reportable Conditions occurring in South Carolina and shall do so in accordance with the timeframes, form and manner set forth in the Official List of Reportable Conditions.

B. Failure to report known or suspected Cases to the Department in accordance with Subsection (A) above may result in criminal or civil penalties as provided by South Carolina law and at the Department’s discretion. Factors to be considered by the Department when assessing penalties will include, but not be limited to:

(1) The reason for the failure to report;

(2) Whether the failure to report was discovered by the Department or self-reported by the reporter;

(3) Whether the failure to report was intentional or willful;

(4) Prior measures taken by the reporter to ensure compliance with reporting requirements, including training and the implementation of policies and procedures.

C. To encourage reporting, any person or entity required to report under Subsection (A) above that fails to do so may notify the Department of the failure without risk of criminal or civil penalties, provided all of the following criteria are met:

(1) There is no record with the Department of the reporter having previously failed to report a known or suspected Case or Cases as required or of having previously utilized this subsection to avoid criminal or civil penalties;

(2) The reporter has not intentionally or willfully failed to report;

(3) The reporter makes a full disclosure to the Department of all previously unreported Cases;

(4) The reporter agrees to make its records open to the Department for review at the Department's discretion; and

(5) The reporter agrees to remedial measures, including training and the implementation of policies and procedures, to ensure compliance with reporting requirements going forward.

SECTION 3. The Department Shall Investigate Reported Cases.

The Department shall investigate a known or suspected Case of a Reportable Condition within the state and within the designated time frame for the Condition in accordance with CDC or Department protocols. For purposes of report verification and epidemiological investigation, the Department may conduct appropriate follow-up of reports of positive tests, Conditions, clusters of diseases, or Events. Such verification and investigation may include, but may not be limited to: confirmation of test results or reports; collection and confirmation of other information required to be reported; review of healthcare records; and interviews of patients, Contacts, physicians and other appropriate healthcare staff. If the person infected with the Condition is incompetent, incapacitated or deceased, the Department may interview the guardian, next of kin, and/or spouse.

SECTION 4. Mitigation Measures, Isolation and Quarantine to be Observed by All Health Providers.

A. The Department has responsibility and authority for specifying and directing the methods of control of Communicable and Infectious Diseases and Conditions that could threaten the public health. The Department shall adopt the methods of control applicable to any such disease or Condition necessary to prevent spread of the disease or Condition including, but not limited to, Isolation and Quarantine of individuals or animals and restriction of ingress and egress to buildings, places and premises.

B. When necessary to protect the public health, the Department will make recommendations, issue directives and/or enforce or prescribe orders regarding the suppression or prevention of the spread of Communicable or Infectious Diseases and shall adopt accepted national public health recommendations or shall make such other policies as needed to meet any emergencies or conditions not provided for by general rules for the purpose of protecting public health. National public health resources may include, but may not be limited to, American Public Health Association's "Control of Communicable Diseases Manual," American Academy of Pediatrics' "Red Book," and CDC and Food and Drug Administration (FDA) Guidelines.

C. The Department may direct or order a person or entity to publish or disseminate such public health information as the Department deems necessary to protect the public health and/or prevent the spread of Communicable and Infectious Diseases. The Department has the authority to specify the content, manner and means of the publication, including, but not limited to, requiring the posting of a Public Health Notice.

D. All persons and entities shall comply with Department directives and orders to protect the public health from the spread of Communicable and Infectious Diseases. Any person or entity who, after notice,

violates a directive or order of the Department issued pursuant to this section is subject to a civil penalty not to exceed one thousand dollars a day for each violation, with every day of noncompliance considered a separate violation.

SECTION 5. The Department Is to Assume Control of Quarantine, Isolation and Other Control Measures.

In all cities, towns and counties of this state, the Department shall assume control and management of all Outbreaks of Communicable Diseases and exposures to Infectious Agents and shall see that appropriate control measures, including, but not limited to, Isolation and Quarantine, are carried out in all jurisdictions. It shall be the duty of the Department to institute proper methods and control and to coordinate securing any buildings, places and premises in a manner following Communicable Disease control practices and standards as necessary to protect the public health.

SECTION 6. Authorized Health Officers May Pass Through Quarantine Lines and Access Restricted Areas.

All Authorized Health Officers shall have the privilege and shall be allowed to pass through all Quarantine lines and access restricted areas after first identifying themselves as properly Authorized Health Officers and after presenting proper identification. The Director shall specify a method of identification that such officers must carry to verify their authority.

SECTION 7. Buildings, Places and Premises Designated as Infectious.

Whenever the Department determines that a building, place or premises may pose a risk to the public health, the Department shall cause a Public Health Notice to be placed upon the outside entrance or entrances of the building, place or premises in order to warn the public of the risk. The Public Health Notice shall be in a manner comparable to the following:

“These premises may pose a risk to the public health and may not be again occupied until order of the S.C. Department of Health and Environmental Control. This notice must not be removed under penalty of law, except by an Authorized Health Officer.”

SECTION 8. Public Health Notices Shall Not Be Destroyed or Removed.

No person or persons shall alter, deface, remove, destroy or tear down any Public Health Notice, including posters, signs, or cards, posted by the Department or its designees. The occupant or person having possession or control of any building, place or premises upon which a Quarantine or other Public Health Notice has been placed shall, within twenty-four hours after destruction or removal of such by other than the proper authorities, notify the Department of such destruction or removal. All Public Health Notices shall remain as posted by the Department until such time as the Department determines there is no longer a risk to the public health.

SECTION 9. Persons Forbidden Entering or Leaving Contaminated Premises.

After the Department has declared a building, place, or premises as contaminated by a Communicable Disease or Infectious Agent and a risk to the public health, all persons, except those designated by the Department, are prohibited from entering or leaving the building, place or premises or from removing or causing to be removed any object or material whereby such Communicable Disease or Infectious Agent may be transmitted.

SECTION 10. Premises at Risk for Transmission of Contagious Diseases to be Rendered Non-infectious.

No person shall offer for rent, sale or lease, or cause or permit anyone to occupy any building, place or premises, including, but not limited to, houses, apartments, condominiums, office buildings and warehouses, that are confirmed or suspected to be a risk for transmission of any Communicable Disease or Infectious Agent until such building, place or premises has been rendered non-infectious under the supervision of the Department.

SECTION 11. Persons Affected with or Exposed to Communicable Diseases Shall Comply with Department Directives.

Any person affected with or exposed to any Communicable Disease or Infectious Agent and who the Department determines is a threat to the public health shall strictly observe such instructions, directives and orders as are given to him or her by the Department. It shall be lawful for the Department to require any person thus affected or exposed to remain within designated premises and/or to refrain from entering designated premises or workplaces for such length of time as the Department prescribes. Those persons excluded from the workplace shall not be permitted to return to work until the workplace has implemented mitigation measures or the Department has determined there is no public health risk.

SECTION 12. Official School and Child Care Exclusion List of Contagious or Communicable Diseases.

A. The Department shall publish an Official School and Child Care Exclusion List of Contagious or Communicable Diseases for which known or suspected Cases and those exposed to certain Communicable Diseases, whether symptomatic or not, shall not be permitted to attend any private, public, parochial or church school or any childcare center or facility. This Exclusion List shall include specific conditions for duration of school or childcare exclusion as well as criteria for return, and it applies to both students and staff.

B. No superintendent, principal or teacher of any school, no provider of childcare as defined in S.C. Code Ann. Section 63-13-20, and no parent or guardian of any child or minor shall permit any child or minor having or suspected of having any of the Communicable Diseases published in this Exclusion List to attend any private, public, parochial, or church school or childcare center or facility until such time as the published conditions for return have been met.

C. No administrator, faculty member, teacher, staff member, volunteer, custodian or any other person having or suspected of having any of the Communicable Diseases published in this Exclusion List shall attend any private, public, parochial, or church school or childcare center or facility until such time as the published conditions for return have been met.

D. Any person who has been exposed to certain Communicable Diseases referenced in this Exclusion List, but who is not symptomatic, shall be excluded from the school or childcare setting and shall not be permitted to attend school or child care until the attending physician or the Department states in writing that the person may return to school or child care and he or she meets one or more of the following criteria:

(1) determined not to have been exposed to the Excludable Disease during the period of communicability;

(2) proven to be immune to the disease;

(3) determined not to be a Carrier of the disease;

(4) has been provided appropriate Post-exposure Prophylaxis;

(5) has exceeded the maximum incubation period of the disease from the last exposure; or

(6) the Department concludes disease transmission has ceased and no longer presents a risk to the public.

SECTION 13. Health Laws of Cities, Towns and Counties.

Nothing contained in these regulations shall be construed to prevent any city, town or county from making such health laws as they may think necessary for the preservation of public health; provided that said laws are not inconsistent with the laws approved by the Board of Health and Environmental Control. It shall be the duty of any city, town or county proposing a health law to at once furnish the Department of Health and Environmental Control with a copy of any proposed law for the approval of the Board of Health and Environmental Control before it shall become law.

SECTION 14. Public Health Orders, Law Enforcement and Appeal Process.

A. In addition to its authority provided for by statute or as otherwise provided for by regulation, the Department may issue separate orders to enforce the provisions of this regulation for the purpose of suppressing nuisances, Communicable, Contagious and Infectious Diseases, and other dangers to the public health.

B. The Director or his or her designee may request assistance from state and local law enforcement authorities in enforcing orders issued pursuant to this regulation, who must aid and assist the Director and the Department in carrying out such orders.

C. Except as otherwise provided by law, any person to whom an order is directed under this regulation may appeal the order of the Department to any court having jurisdiction. At any hearing on appeal, the person shall be provided the opportunity to present and to cross-examine witnesses. The person appealing from such order may be represented by an attorney of his or her choosing. The person or his or her attorney shall have access to any documents relied upon by the Department in issuing the order. Any order which is appealed shall remain in full force and effect throughout the pendency of the appeal.